

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PETER BISTRAN,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 08-3010
	:	
WARDEN TROY LEVI, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 24th day of March 2020, upon consideration of Plaintiff's Motion for Adverse Inference, made orally at trial, and Plaintiff's Motion to Reopen the Record and for Further Sanctions [Doc. No. 415], and the responses and replies to both motions, and for the reasons explained in the accompanying Memorandum Opinion, it is hereby **ORDERED** as follows:

1. Plaintiff's Motion for Adverse Inference is **GRANTED in part** and **DENIED in part** as outlined in the accompanying Memorandum Opinion.
2. Plaintiff's Motion to Reopen the Record is **GRANTED in part** as outlined in the accompanying Memorandum Opinion, and Exhibits P-303, P-304, P-305, P-306, P-307, P-308, P-310, and P-312 are admitted.
3. To the extent that this limited reopening of the record necessitates an opportunity for presentation of further testimony in response, as contemplated in the accompanying Memorandum Opinion, the Court hereby directs counsel for the parties to confer as to the status of any requested additional presentation of testimony and to report to the Court in writing regarding each party's position and any agreements that can be reached. Based on the Court's rulings on these Motions, the record in the Federal Tort Claims Act trial remains open until all evidence has been received by the Court.

4. To the extent that Plaintiff requests further sanctions, including attorneys' fees, that request is **DENIED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.